

**Appl. No.** : 09/945,051  
**Filed** : August 31, 2001  
**Office Action Date** : January 21, 2004  
**Response Date** : April 21, 2004

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the January 21, 2004 Office Action for the above-identified patent application. Claims 1-18 were originally pending in this application. Claims 1-4, 6, 10, 11 and 13 are canceled herein. Claims 5, 12 and 14 are amended herein. Claims 7-9 and 15-18 remain as originally filed. Thus, Claims 5, 7-9, 12, and 14-18 are presented herein for further consideration. Applicants respectfully request the Examiner to reconsider the allowability of Claims 5, 7-9, 12 and 14-18 in view of the foregoing amendments and the following remarks.

As discussed below, Applicants have also replaced the original Abstract of the Disclosure in response to the Examiner's objection.

#### **Replacement Abstract of the Disclosure**

In the January 21, 2004 Office Action, the Examiner objects to the Abstract of the Disclosure because the abstract is not concise. In particular, the length of the abstract exceeded the 150-word limit. Because of the number of changes required to reduce the word count, Applicants have deleted the original Abstract of the Disclosure and have replaced the original Abstract of the Disclosure with a new Abstract of the Disclosure having 143 words.

Applicants respectfully request approval of the new Abstract of the Disclosure.

#### **Discussion of the Amended Claims**

In the January 21, 2004 Office Action, the Examiner rejects Claims 1, 3, 4, 10 and 11 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,567,394 to Arisawa. The Examiner rejects Claims 5, 7, 9, 12, 14 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Arisawa in view of Simon Haykin, *Communication Systems*, Second Edition, John Wiley & Sons, Inc., 1983, pages 158-159. The Examiner rejects Claims 2, 8 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Arisawa in view of U.S. Patent No. 4,799,059 to

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Grindahl et al. The Examiner rejects Claims 6 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Arisawa in view of U.S. Patent No. 5,649,296 to MacLellan et al.

Applicants have canceled independent Claims 1 and 10 and have canceled dependent Claims 2-4, 6, 11 and 13. Applicants have amended Independent Claims 5, 12 and 14 to more clearly distinguish the references cited against Claims 5, 12 and 14 by including limitations generally corresponding to limitations originally in canceled Claims 6 and 13. In particular, among other limitations, amended Claims 5, 12 and 14 each include the limitation that the modulated downlink signal transmitted from the base station to the mobile station is output for a predetermined time. Thereafter, only a carrier having a predetermined frequency is output until a response is received from the mobile station. Neither Arisawa nor Haykin disclose or suggest this defined characteristic of the signal transmitted from the base station to the mobile station.

The defined limitations of the independent claims are not taught or suggested by MacLellan, which the Examiner cited against Claims 6 and 13. In particular, MacLellan discloses a radio frequency identification (RFID) system that transmits an interrogation signal to a tag and then transmits a continuous wave (CW) signal to the tag using modulated backscattering. The tag of MacLellan modulates the CW signal using modulated backscattering. Thus, the CW signal transmitted from the interrogator to the tag in MacLellan has no relation to a carrier signal used for modulating a data signal in the tag.

In contrast to the cited references, the base station defined in Applicants' claims outputs the carrier signal used for modulating a data signal in the mobile station. In particular, the base station outputs the carrier signal until a response is received from the mobile station. In this manner, the mobile station is able to modulate a data signal to be transmitted to the base station using the carrier signal provided by the base station at any time except when the mobile station is receiving an information signal from the base station. Furthermore, the base station is able to save power by outputting the carrier signal until the base station receives the response from the mobile station. Applicants respectfully submit that the foregoing features defined in the amended claims are not disclosed or suggested by the cited references.

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### **Summary**

Applicants respectfully submit that the amendments to the Abstract of the Disclosure and the amendments to the claims are fully responsive to the objection and the rejections in the January 21, 2004 Office Action. Applicants respectfully request the Examiner to withdraw the objections to the Abstract of the Disclosure and to withdraw the rejections of the claims. Applicants respectfully request the Examiner to pass this application to allowance with Claims 5, 7-9 and 14-18. Applicants respectfully request a prompt issuance of a Notice of Allowance for this application.

### **Request for Telephone Interview**

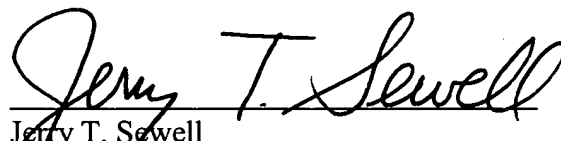
Applicants have made a good faith effort to respond to the January 21, 2004 Office Action in order to place this application in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' undersigned attorney of record at 949-721-2849 (direct line) or at the general office number listed below in order to resolve such issues promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: APRIL 21, 2004

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